

**ELY DISTRICT  
CATEGORICAL EXCLUSION REVIEW  
AND APPROVAL**

Team Leader Paul E. Podborny Date August 31, 2005

Name of Proposed Action Kern Mountains Aspen Restoration

CX Number CX-NV-040-5-052 Project or Serial Number

**CATEGORICAL EXCLUSION REFERENCE**

Cite the Categorical Exclusion (exactly as it appears in the Departmental Manual)

516DM 2, Appendix 1 Categorical Exclusion 1.12 or 1.13 or both —Hazardous fuels reduction activities using prescribed fire not to exceed 4,500 acres, and mechanical methods for crushing, piling, thinning, pruning, cutting, shipping, mulching, and mowing not to exceed 1,000 acres. Such activities:

- Shall be limited to areas (1) in wildland-urban interface and (2) Condition Classes 2 or 3 in Fire Regime Groups I, II, or III, outside of the wildland-urban interface;
- Shall be identified through a collaborative framework as described in "A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment 10-year Comprehensive Strategy Implementation Plan;"
- Shall not be conducted in wilderness areas or impair the suitability of wilderness study areas for preservation as wilderness;
- Shall not include the use of herbicides or pesticides or the construction of new permanent roads or other new permanent infrastructures; and may include the sale of vegetative materials if the primary purpose of the activity is hazardous fuels reduction.

**DESCRIPTION OF PROPOSED ACTION AND STANDARD OPERATING PROCEDURES**

The proposed action is to remove conifer trees that are encroaching into several small aspen stands, totaling 25 to 30 acres, in the Kern Mountains in east-central Nevada. Fire crews would use chainsaws to cut down conifer trees which should allow understory grasses, forbs, shrubs, and young aspen trees to grow and improve the condition of the stand, and should reduce the fuel hazard on the site. Thinning activities would be done in the fall outside the nesting period for migratory birds to comply with Ely District Policy.

Preliminary Project Site Objectives

Short Term (immediately post-treatment)

Reduce overstory canopy cover to between 46 – 70 percent (medium class).

Reduce composition of conifer species in overstory of aspen stands to less than 15 percent.

Long Term (five to ten years post-treatment)

Increase cover and production of understory species (i.e., grasses, forbs, shrubs, and young trees).

Understory composition is about 40 percent grasses, 30 percent forbs, and 30 percent shrubs and young trees when the overstory canopy class is medium.

Major understory species include Nevada bluegrass (PONE3), skyline bluegrass (POCUE), slender wheatgrass (AGTR), Columbia needlegrass (STNE3), sedge (CAREX), rush (JUNCU), columbine (AQUIL), Woods rose (ROWO), quaking aspen (POTRT).

The following specialists were consulted in determining the appropriateness of this level of NEPA review and to evaluate the screening questions for Categorical Exclusions;

NAME	RESOURCE ASSIGNED
Mark Henderson	cultural resources
Steve Leslie	wilderness/visual resources/recreation
Karen Prentice	noxious and invasive weeds
Jared Bybee	wild horses
Paul Podborny	wildlife, special status species, and riparian/wetlands

The concurrence by these individuals on the NEPA checklist is recorded by their initials. This checklist is incorporated as a part of the permanent CX file

The proposed project, although not specifically identified, is in conformance with the Schell Management Framework Plan. It is also consistent with the 1998 Ely Fire Management Plan.

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### SCREENING FOR EXCEPTIONS TO CATEGORICAL EXCLUSIONS

The following exceptions apply to actions being considered as categorically excluded. Environmental documents must be prepared if any of these exceptions apply. Place an "X" in appropriate box. Would the proposed action:	Yes	No
1. have significant adverse effects on public health or safety?		X
2. have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks?		X
3. have highly controversial environmental effects?		X
4. have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		X
5. establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?		X
6. be directly related to other actions with individually insignificant but cumulatively significant environmental effects?		X
7. have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?		X
8. have adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species?		X
9. require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?		X
10. threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment?		X

### FINDINGS

Based on review of the proposal and the 10 exceptions listed above, this action qualifies as a categorical exclusion and environmental analysis is not required. The proposed action is in conformance with current BLM Land Use Plans.

Approving Official



Date

5/23/07



**Decision Memorandum on Action and for Application of:  
Categorical Exclusion 1.12 (or 1.13 or both)**

**Kern Mountains Aspen Restoration**

**U.S. Department of the Interior  
Bureau of Land Management  
Ely Field Office  
White Pine County, Nevada**

**Description of the Proposed Action and the Purpose and Need for the Action**

**Proposed Action and Need**

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**Plan Conformance**

The proposed project, although not specifically identified, is in conformance with the Schell Management Framework Plan. It is also consistent with the 1998 Ely Fire Management Plan. The proposed action was designed in conformance with all bureau standards and incorporates appropriate guidelines for specific required and desired conditions relevant to project activities

**Compliance with the National Environmental Policy Act**

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516DM 2, Appendix 1, 1.12, 1.13 or both. This determination is based on the following rationale. The project does not exceed 1,000 acres using mechanical methods. The project was identified through an interdisciplinary scoping process and was developed in coordination with interested publics.

I considered the setting, targeted vegetation condition, and anticipated effects of other forms of treatment in my consideration of the proposed action. The proposed action involves the lowest risk treatments for the targeted vegetation communities. The proposed action will not result in significant effects.

#### **Persons or Agencies Consulted**

The following groups or entities were consulted during formulation of this proposed action:


Nevada Department of Wildlife

#### **Decision and Rationale for Action**

I have decided to implement the Kern Mountains Aspen Restoration Project without modifications. The proposed action should meet the stated objective for the project. These actions meet the need for the action. In addition, I have reviewed the plan conformance statement and have determined that the proposed action is in conformance with the approved Schell Management Framework Plan and that no further environmental analysis is required.

#### **Implementation Date**

This project will be implemented on or after July 15, 2007

  
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John F. Ruhs, Field Manager  
BLM Ely Field Office

5/23/07  
Date

#### **Administrative Review or Appeal Opportunities**

Within 30 days of receipt of this decision, parties who are adversely affected and believe it is incorrect have the right to appeal to the Department of the Interior Board of Land Appeals, Office of the Secretary, in accordance with regulations at 43 CFR 4.4. If an appeal is taken, follow procedures outlined in the attached form NV 1840-2, "Information on taking appeals to the Board of Land Appeals." An appeal should be in writing and specify the reasons, clearly and concisely, as to why the decision is in error. Please also supply this office with a copy of the Statement of Reasons. Also within 30 days of receipt of this decision, appellants have a right to file a petition for stay (suspension) of the decision together with an appeal, in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties identified in items 2, 3, and 4 of Form NV 1840-2. The appellant has the burden of proof to demonstrate that the stay should be granted.

#### **Contact**

For additional information concerning this decision, contact Paul E. Podborny, Lead Natural Resource Specialist, at:  
BLM Ely Field Office  
HC 33 Box 33500  
Ely, NV 89301  
(775) 289-1868



Kern Mountain Aspen Restoration  
Project Objectives and Coordination Document

**Proposed Implementation Period:** Fiscal Year 2005 and 2006

Watershed Objective

Improve condition and productivity of aspen stands which are encroached with mixed conifer species (estimate 25 - 30 total acres of aspen stands in the project area).

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Need for the Project

Because of past fire suppression activities, aspen stands are being replaced by conifers which are encroaching into the stands and shading out young aspen trees and understory vegetation. Increasing canopy closure and the buildup of large woody debris has resulted in increasing risk of large, stand-replacing fire.

Land Use Plan and Activity Plan Guidance

The Schell Management Framework Plan (MFP) is the current land use plan for the area of the proposed project. One of the forestry objectives in the MFP was to encourage regeneration within stands of all forest types. The MFP Step 3 Decision FM – 5.1 states,

“Use prescribed, controlled burns to open stands and stimulate reproduction in stands of appropriate species.” In this case, using chainsaws is actually a more appropriate tool to meet the objective than prescribed burning.

In addition, the MFP Step 3 Decision WL – 6.8 states, “Fence and restrict from livestock grazing up to fifteen selected Aspen sites of up to five acres each after applying one of the following treatments:

1. Fencing only
2. Burning
3. Log or wood cutting”

Because of the location of this proposed project, fencing of the sites is not necessary.

Additional management direction for the area is identified in the Ely District Fire Management Plan (1998) and the Ely District Managed Natural and Prescribed Fire Plan (2000).

#### Ely District Fire Management Plan

1. Fire Management Objective #3 states, “Wildland fire, as a critical natural process, must be introduced into the ecosystem.”
2. Fire Management Objective #5 states, “Where wildland fire or prescribed fire cannot be safely reintroduced because of hazardous fuel build-ups, some form of pretreatment must be considered, particularly in wildland/urban interface areas.”
3. The project area is within Category C-3 “North Schell Creeks, Antelope Range, Kerns” fire management polygon where “Through vegetation management, desired plant communities will be developed.” and “Plan treatments to create a mosaic of open areas and unven aged stands in the pinion/juniper and mixed conifer areas.” and finally “There exists many opportunities for vegetation management through various methods. To achieve preferred conditions, mechanical treatment, use of herbicides and fire will be used to restore mountain brush communities.”

#### Ely District Managed Natural and Prescribed Fire Plan

1. One of the Fire Management Objectives states, “Reduce fuel load on 3,500 acres out of the 10,000 acres of aspen communities by 2020.
2. The Vegetation Management Objective states, “Aspen understory – 20 to 40 percent grasses, 20 to 30 percent forbs, and 30 to 60 percent shrubs and young trees.”

#### Location of the Proposed Project

The proposed project area is located in the Antelope Valley watershed on the northwest end of the Kern Mountains in White Pine County, Nevada. The legal location is Township 22 North, Range 68 East, Section 36, MDM.



Proposed Project Area Description

The proposed project area is on a moderately steep, northwest facing slope at between 7,200 feet and 7,800 feet elevation. There are several aspen stands on the sides of the canyon surrounded by pinyon and juniper trees. There are also a few stingers of fir trees in the side drainages. The canyon bottom has a dense stand of chokecherry at the lower end transitioning into aspen at the upper end.

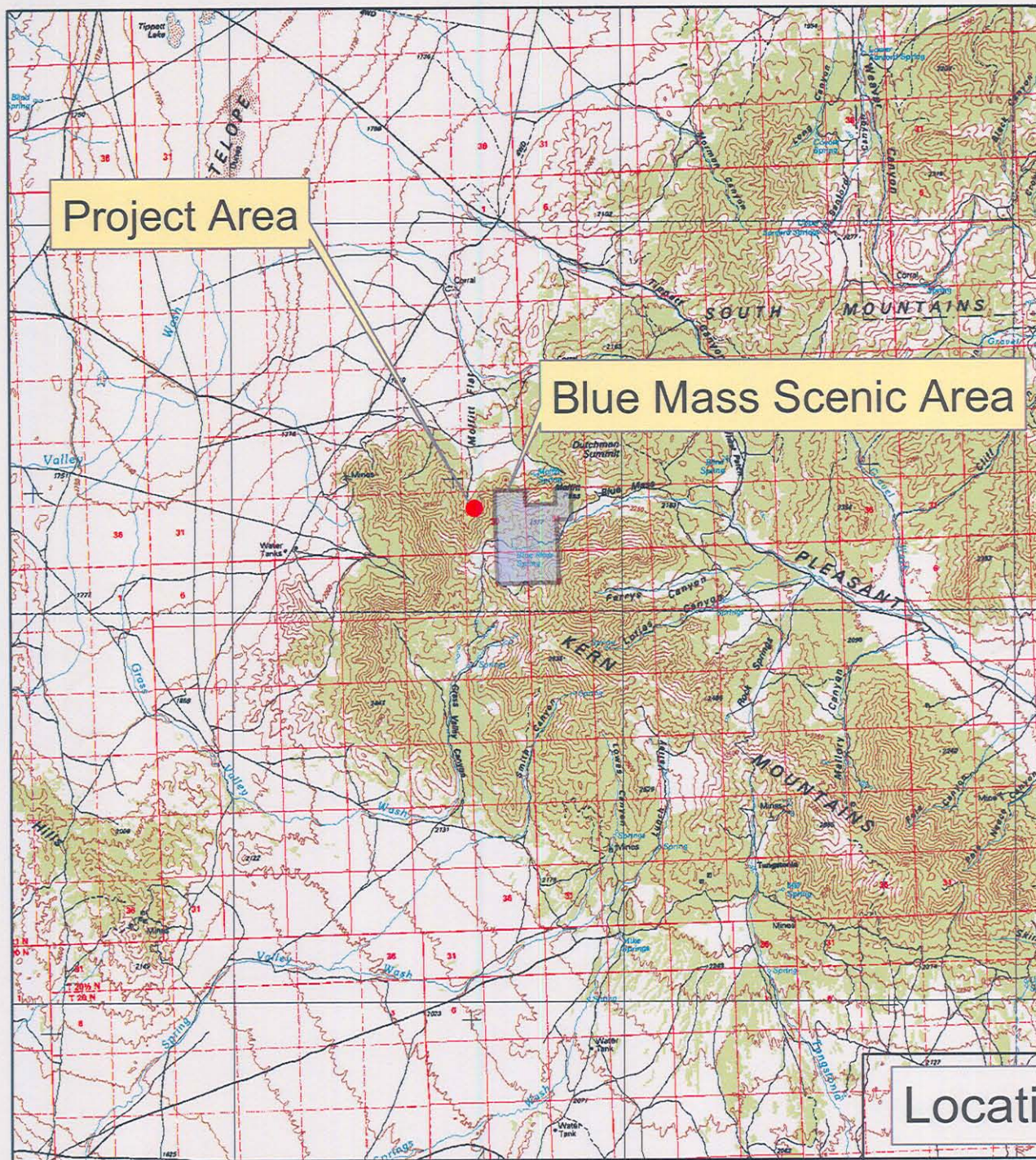
  
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William E. Owen 9/15/02  
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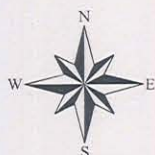
  
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Fire Management Officer



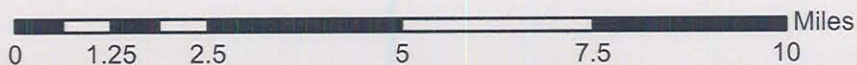


Location

# Kern Mountain Aspen Project

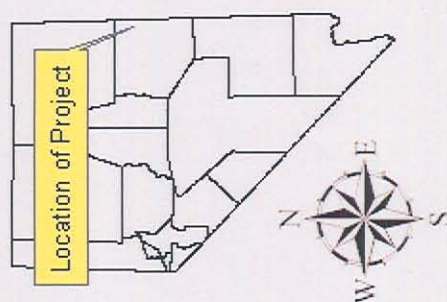
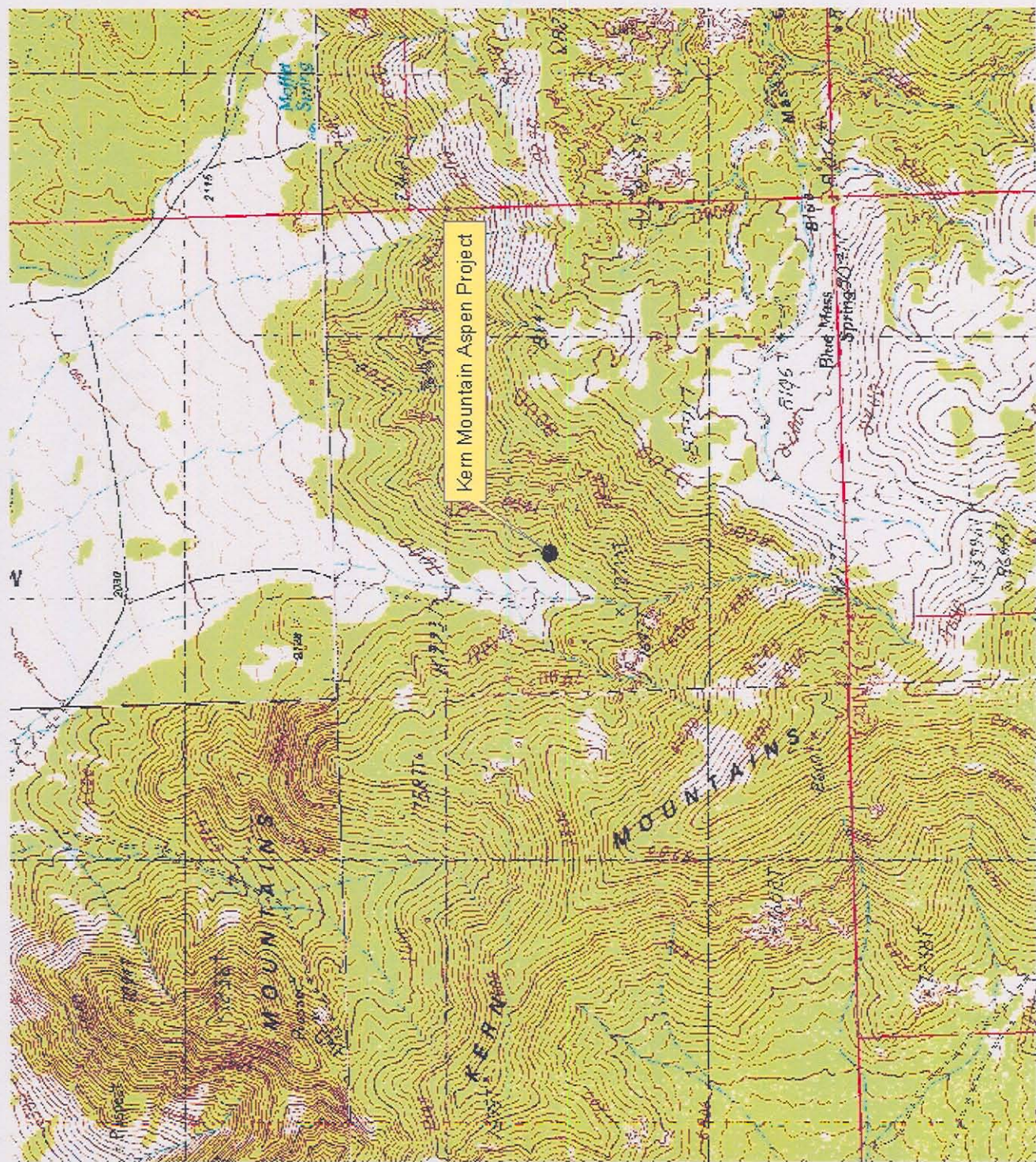


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